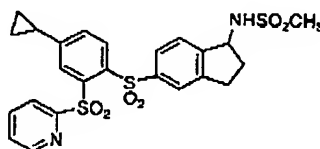


Serial No. 10/721,015  
October 28, 2005  
Page 2 of 3

### Remarks

Applicants respectfully traverse the Examiner's Requirement for Restriction in the present application for the reasons stated below. However, in order to advance prosecution, Applicants elect Group I, and further elect the specie of Example 9, shown below:



Claims 1-27 read on the elected specie.

The Office states that the inventions of Groups I-VII "are related as product [and process] claims", and alleges that the product of Group I "can be used in a materially different process of using that product". In support thereof, the Office cites "claims 41, 42, and 55". Applicants note that method claims 41, 42, and 55 depend from Claim 1. Applicants fail to understand how the claimed methods of using the claimed compounds can be used to support the Office's allegation that the compounds of Group I can be used in a *materially* different process. Accordingly, this basis of restriction is improper and the requirement for restriction should be withdrawn.

The Office, citing MPEP §806.05(g), states that the inventions of Groups VIII and I are "related as apparatus and product made [by the apparatus]", and alleges that the "apparatus" of Group VIII can "be used for making a different product for treating various diseases". However, Applicants respectfully note that the "kit" of Claim 56 is not used to *manufacture* the claimed product, and thus, Groups VIII and I do not have the relationship alleged by the Office. Accordingly, this basis of restriction is improper and the requirement for restriction should be withdrawn.

Since the Office has provided no proper basis for restriction, Applicants respectfully request that the requirement be withdrawn.

Finally, Applicants respectfully submit that the claimed methods of Groups II-VII should be rejoined if Claim 1 is found allowable (MPEP §821.04), as each of the claims in these Groups depend either directly or indirectly from claim 1, and therefore include all the limitations thereof.


57840-1

Serial No. 10/721,015  
October 28, 2005  
Page 3 of 3

Respectfully submitted,  
SCHERING-PLOUGH CORPORATION

Dated: 10/28/05  
SCHERING-PLOUGH CORPORATION  
Patent Department, K-6-1, 1990  
2000 Galloping Hill Road  
Kenilworth, NJ 07033-0530  
Facsimile No.: (908) 298-5388

By:

  
Name: Thomas A. Blinka  
Reg. No.: 44541  
Attorney of Record  
Telephone No.: (908) 298-6791

57840-1